

AMENDED IN SENATE MAY 10, 2016

AMENDED IN ASSEMBLY MARCH 8, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1918

Introduced by Assembly Member O'Donnell

February 11, 2016

An act to amend Sections 44332, 44332.5, and 44332.6 of, and to add and repeal Article 15 (commencing with Section 44405) of Chapter 2 of Part 25 of Division 3 of Title 2 of the Education Code, relating to teacher credentialing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1918, as amended, O'Donnell. Teacher credentialing: temporary certificates.

(1) Existing law authorizes a county board of education or city and county board of education to issue temporary certificates to certified employees whose credentials are being processed by the Commission on Teacher Credentialing. Under existing law, a county board of education or city and county board of education, before issuing a temporary certificate, or a school district, before issuing a temporary certificate of clearance, is required to obtain a criminal record summary about the applicant from the Department of Justice.

This bill instead would authorize a county board of education or city and county board of education to issue temporary certificates to certified employees, including individuals certified in another state, whose credentials are being processed by the commission. The bill would require a county board of education or city and county board of education, before issuing a temporary certificate, or a school district,

before issuing a temporary certificate of clearance, to instead obtain a certificate of clearance from the commission.

(2) Existing law authorizes certain school districts, at their discretion, to provide for the registration of a valid certification or other document authorizing the holder to serve in a position requiring certification qualifications as an employee of the school district.

This bill would prohibit a school district from exercising that authority until the school district has obtained a certificate of clearance from the commission.

(3) Existing law authorizes a local educational agency to contract with a nonpublic, nonsectarian school to provide the appropriate special educational facilities, special education, or designated instruction and services required by a pupil with exceptional needs if no appropriate public education program is available.

This bill would authorize a county board of education or city and county board of education to issue temporary certificates to certified employees of nonpublic, nonsectarian schools, including individuals certified in another state, whose credentials are being processed by the commission, as provided. The bill would require a county board of education or city and county board of education, before issuing a temporary certificate, to obtain a certificate of clearance from the commission. The bill would provide that the conditions under which a temporary certificate issued pursuant to these provisions may or shall be revoked, issued, or denied, as applicable, are to be the same for nonpublic, nonsectarian schools as for schools operated by local educational agencies.

The bill would require the commission to honor requests to expedite teacher credentialing processing from the State Department of Education on behalf of an applicant employed or seeking employment at a nonpublic, nonsectarian school to the same degree the commission honors requests to expedite the processing of applications for teacher credentialing received from other employing agencies.

The bill would require the State Department of Education to recognize all teacher permits, credentials, and certificates issued by the commission or a county board of education or city and county board of education authorized by this bill.

The bill would make these provisions inoperative on July 1, 2024, and would repeal them as of January 1, 2025.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 44332 of the Education Code is amended
2 to read:

3 44332. (a) Except where that service is provided by a school
4 district authorized to register certification documents pursuant to
5 Section 44332.5, each county board of education or city and county
6 board of education may issue temporary certificates for the purpose
7 of authorizing salary payments to certified employees, including
8 individuals certified in another state, whose credential applications
9 are being processed or to personnel employed in children's centers
10 or other preschool educational programs whose permit applications
11 are being processed. However, the individual must have
12 demonstrated proficiency in basic reading, writing, and
13 mathematics skills pursuant to the requirements of Section 44252.5.
14 The applicant for the temporary certificate shall make a statement
15 under oath that he or she has duly filed an application for a
16 credential or permit together with the required fee and that, to the
17 best of his or her knowledge, no reason exists why a certificate or
18 permit should not be issued. The certificate or permit shall be valid
19 for not more than one calendar year from the date of issuance.

20 (b) The county board of education or city and county board of
21 education shall cancel the temporary certificate or permit
22 immediately upon receipt of certification in writing from the
23 commission that the applicant apparently does not possess adequate
24 academic qualifications or apparently has a criminal record that
25 would disqualify the applicant.

26 (c) A temporary certificate issued to a permit applicant is not
27 valid beyond the time that the commission either issues or denies
28 the originally requested permit. A temporary certificate issued to
29 a credential applicant is not valid beyond the time that the
30 commission provides written notification to the county board of
31 education or city and county board of education that the applicant
32 apparently does not possess adequate qualifications or that the
33 commission has received facts that may cause denial of the
34 application, or beyond the time that the commission either issues
35 or denies the originally requested credential.

36 (d) A county board of education or city and county board of
37 education may not issue a temporary certificate to an applicant
38 whose teaching credential is revoked or suspended.

1 SEC. 2. Section 44332.5 of the Education Code is amended to
2 read:

3 44332.5. (a) (1) A school district that may issue warrants
4 pursuant to Section 42647 may, at its discretion, provide for the
5 registration of a valid certification or other document authorizing
6 the holder to serve in a position requiring certification
7 qualifications as an employee of the school district.

8 (2) A school district shall not provide for the registration of a
9 valid certification or other document authorizing the holder to
10 serve in a position requiring certification qualifications as an
11 employee of the school district until the school district has obtained
12 a certificate of clearance from the commission.

13 (b) During any period when summary criminal history
14 information is not available from the Federal Bureau of
15 Investigation, an applicant for an initial credential, certificate, or
16 permit shall not be employed in a position requiring certification
17 qualifications until he or she has met the minimum requirements
18 for a temporary certificate of clearance. A temporary certificate
19 of clearance or a credential, certificate, or permit authorizing
20 service in the public schools shall be issued when the applicant
21 has:

22 (1) Made full disclosure of all facts necessary to establish his
23 or her true identity.

24 (2) Made a statement under penalty of perjury that he or she
25 has not been convicted of a crime which would constitute grounds
26 for the denial of the credential, permit, or certificate applied for.

27 An applicant shall not be required to disclose, and the Committee
28 of Credentials shall not inquire into or consider, any acts or
29 omissions not related to the applicant's fitness to teach or to
30 perform other duties for which he or she is certificated, or that is
31 related to his or her competence to perform the duties authorized
32 by his or her credential.

33 (3) Paid to the commission the amount of twelve dollars (\$12)
34 or the fees or costs which have been or will be assessed by the
35 Federal Bureau of Investigation for the issuance of its summary
36 criminal history of the applicant when this information is once
37 again made available to the commission. The fees authorized by
38 this paragraph shall be applicable to all credentials, permits, and
39 certificates which were applied for or issued after October 1, 1981.

1 (c) Upon receipt of a statement from the Federal Bureau of
2 Investigation that it has no summary criminal history information
3 on the applicant, or upon receipt of the summary criminal history
4 information and clearance by the Committee of Credentials, a
5 temporary certificate of clearance shall be converted to a regular
6 certificate of clearance.

7 SEC. 3. Section 44332.6 of the Education Code is amended to
8 read:

9 44332.6. (a) (1) Before issuing a temporary certificate
10 pursuant to Section 44332, a county board of education or city and
11 county board of education shall obtain a certificate of clearance
12 from the commission and shall not issue a temporary certificate if
13 the applicant has been convicted of a violent or serious felony.

14 (2) Before issuing a temporary certificate of clearance pursuant
15 to Section 44332.5, a school district shall obtain a certificate of
16 clearance from the commission and shall not issue a temporary
17 certificate of clearance if the applicant has been convicted of a
18 violent or serious felony.

19 (b) This section applies to any violent or serious offense which,
20 if committed in this state would have been punishable as a violent
21 or serious felony.

22 (c) For purposes of this section, a violent felony is any felony
23 listed in subdivision (c) of Section 667.5 of the Penal Code and a
24 serious felony is any felony listed in subdivision (c) of Section
25 1192.7 of the Penal Code.

26 (d) Notwithstanding subdivision (a), a person shall not be denied
27 a temporary certificate or a temporary certificate of clearance solely
28 on the basis that he or she has been convicted of a violent or serious
29 felony if the person has obtained a certificate of rehabilitation and
30 pardon pursuant to Chapter 3.5 (commencing with Section 4852.01)
31 of Title 6 of Part 3 of the Penal Code.

32 (e) Notwithstanding subdivision (a), a person shall not be denied
33 a temporary certificate or a temporary certificate of clearance solely
34 on the basis that the person has been convicted of a serious felony
35 that is not also a violent felony, if that person can prove to the
36 sentencing court of the offense in question, by clear and convincing
37 evidence, that he or she has been rehabilitated for the purposes of
38 school employment for at least one year. If the offense in question
39 occurred outside this state, then the person may seek a finding of

1 rehabilitation from the court in the school district in which he or
2 she is a resident.

3 (f) (1) Notwithstanding paragraph (1) of subdivision (a), a
4 county board of education or city and county board of education
5 may issue a temporary certificate to an employee currently and
6 continuously employed by a school district within the county who
7 is serving under a valid credential and has applied for a renewal
8 of that credential or for an additional credential without obtaining
9 a certificate of clearance from the commission for that employee.

10 (2) Notwithstanding paragraph (2) of subdivision (a), a county
11 board of education or city and county board of education may issue
12 a temporary certificate of clearance to an employee currently and
13 continuously employed by a school district within the county who
14 is serving under a valid credential and has applied for a renewal
15 of that credential or for an additional credential without obtaining
16 a certificate of clearance from the commission for that employee.

17 SEC. 4. Article 15 (commencing with Section 44405) is added
18 to Chapter 2 of Part 25 of Division 3 of Title 2 of the Education
19 Code, to read:

20
21 Article 15. Nonpublic, Nonsectarian Schools
22

23 44405. (a) A county board of education or city and county
24 board of education may issue temporary certificates for the purpose
25 of authorizing salary payments to certified employees of nonpublic,
26 nonsectarian schools, including individuals certified in another
27 state, whose credential applications are being processed by the
28 commission. However, the individuals must have demonstrated
29 proficiency in basic reading, writing, and mathematics skills
30 pursuant to the requirements of Section 44252.5. The applicant
31 for a temporary certificate shall make a statement that he or she
32 has duly filed an application with the commission for a credential
33 or permit together with the required fee and that, to the best of his
34 or her knowledge, no reason exists why a certificate or permit
35 should not be issued. The certificate or permit shall be valid for
36 not more than one calendar year from the date of issuance.

37 (b) The county board of education or city and county board of
38 education shall cancel the temporary certificate or ~~permit~~ permit,
39 *providing notification to the applicant and the nonpublic,*
40 *nonsectarian school specified on the temporary certificate or*

1 *permit*, immediately upon receipt of certification in writing from
2 the commission that the applicant apparently does not possess
3 adequate academic qualifications or apparently has a criminal
4 record that would disqualify the applicant.

5 (c) A temporary certificate issued to a permit applicant is not
6 valid beyond the time that the commission either issues or denies
7 the originally requested permit. A temporary certificate issued to
8 a credential applicant is not valid beyond the time that the
9 commission provides written notification to the county board of
10 education or city and county board of education that the applicant
11 apparently does not possess adequate qualifications or that the
12 commission has received facts that may cause denial of the
13 application, or beyond the time that the commission either issues
14 or denies the originally requested credential.

15 (d) A county board of education or city and county board of
16 education may not issue a temporary certificate to an applicant
17 whose teaching credential is revoked or suspended.

18 (e) For purposes of this article, “nonpublic, nonsectarian school”
19 has the same meaning as defined in Section 56034.

20 44406. (a) Before issuing a temporary certificate pursuant to
21 Section 44405, a county board of education or city and county
22 board of education shall obtain a certificate of clearance from the
23 commission.

24 (b) The conditions under which a temporary certificate issued
25 pursuant to Section 44405 may or shall be revoked, issued, or
26 denied, as applicable, shall be the same for nonpublic, nonsectarian
27 schools as for schools operated by local educational agencies, as
28 provided in Article 8 (commencing with Section 44330).

29 44407. The commission shall honor requests to expedite the
30 processing of applications for teacher credentialing received from
31 the department on behalf of an applicant employed or seeking
32 employment at a nonpublic, nonsectarian school to the same degree
33 the commission honors requests to expedite the processing of
34 applications for teacher credentialing received from another
35 employing agency.

36 44408. The department shall recognize the authority of all
37 teacher permits, credentials, and certificates issued by the
38 commission or a county board of education or city and county
39 board of education authorized by this article.

1 44409. This article shall become inoperative on July 1, 2024,
2 and, as of January 1, 2025, is repealed, unless a later enacted
3 statute, that becomes operative on or before January 1, 2025,
4 deletes or extends the dates on which it becomes inoperative and
5 is repealed.

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